

LOCAL BY-LAWS

**TRUCK OWNERS'
UNION**



**Affiliated With
Local 514**

**International Brotherhood of
Teamsters, Chauffeurs,
Warehousemen and Helpers
of America**

BY - L A W S

Section 1

NAME AND OBJECT

- (a) The name of this Local shall be the Truck Owners' Union, a section of Local 514 of the International Brotherhood of Teamsters, Edmonton, Alberta.
- (b) The object of this Union is to bring, through organization, better rates and working conditions for truckers.

Section 2

MEMBERSHIP

1. The membership shall consist of individuals, firms, or corporations to whom the objects of the Union are applicable, and wherever the singular or masculine is used herein the same shall be deemed to include the plural or the feminine of the body politic or corporate.

2. Any person desiring to become a member on a declaration form must sign a written application for membership to be supplied by the executive committee and must be vouched for by two members in good standing.

3. Applications for membership shall be accepted or rejected at a general meeting which the applicants must attend, provided, however, if for reasons satisfactory to the general meeting any applicant is unable to attend, the general meeting may pass upon the application upon recommendation from the executive committee.

Should local applicants fail to attend a general meeting without satisfactory explanation after being notified in writing of three successive general meeting which they may attend, any monies paid by such applicants shall be forfeited and the applications cancelled.

The authorized person or persons may, where either deems it expedient, receive applications for membership, together with the prescribed fees and issue rights of interim membership, except the right to vote or attend meetings, pending confirmation or rejection of such interim rights by the next meeting of the executive committee to which the authorized person or persons must report, and pending final acceptance or rejection at the next general meeting.

4. If a member is unable to pay his fees or any other monies payable to the Union, he shall make arrangements with the authorized person or persons for three months' period of grace. If such arrangements are not made or if the monies are not paid in accordance with such arrangements, such membership may be suspended or cancelled.

5. Any member wishing to resign must do so in writing to the authorized person or persons, otherwise his liability to pay fees and assessments will continue.

6. The membership of any member may be suspended or cancelled by the executive committee should it, in its discretion, deem the member guilty of misconduct. Provided, however, should the executive

committee so suspend or cancel a membership the member affected may within thirty (30) days of such suspension or cancellation demand in writing that the matter be referred to a general meeting, and upon the filing of such demand at the office of the Union, the next general meeting shall deal with the question, and the notice calling the meeting shall set forth that the matter of such suspension or cancellation is to be brought before such meeting and such general meeting shall have full power to deal with such suspension or cancellation.

7. When a member is suspended for non-payment of any account to the Union, he may apply for reinstatement of his membership. Such application must be vouched for by two (2) members in good standing and be accompanied by payment of all arrears of account to the Union, including any collection expense, and shall be dealt with by the executive committee subject to the right of appeal to a general meeting as provided for in paragraph six hereof, and upon re-admission his rights will be the same as if he had not been suspended.

Upon such application for reinstatement the business manager may, where he deems expedient, exercise the same discretion as provided in paragraph three (3) hereof.

8. If a member refuses or neglects to pay a fine or assessment, his membership shall be subject to suspension or cancellation as provided for in paragraph six (6) hereof.

9. No member or group of members shall bring legal action against any member or group of members over any matter arising out of Union business.

10. Firm or corporation members shall be entitled to appoint and rescind the appointment of delegates to speak, act and vote for them upon proper authorization to be filed with the business manager two (2) days prior to the first meeting at which such delegate wishes to act.

Section 3

GENERAL MEETINGS

11. The annual meeting of the Union shall be held in such place in the Province of Alberta and on such day and at such time in the month of December in each year as the executive committee may from time to time determine.

12. Special and general meetings of the Union may be called by the executive committee, or by the President or Vice-President and shall be called on the requisition in writing of at least twelve (12) members and in every notice calling special meetings the purpose for which such meeting is called shall be stated and no business other than that mentioned in the notice shall be transacted at such special meeting. At least two clear days' notice shall be given of general meetings.

13. Two (2) days' notice specifying the place, day and hour of meeting shall be given of each general meeting unless otherwise provided herein and in the case of the proposing of an extraordinary reso-

lution, seven (7) days' notice of such meeting shall be given and in the case of an annual meeting, ten (10) days' notice shall be given and in all cases such notice shall be given by the business manager to each member of the Union at the address last shown on the books of the Union. The accidental omission to give any such notice to, or the non-receipt of such notice by any of the members shall not invalidate the proceedings at any general meeting.

14. In the absence of the proper elected officers, any member of the Union who may be chosen by a majority of the members present at a scheduled meeting of the Union shall act as chairman.

15. The order of business at all meetings of the Union shall be as directed by the person presiding at such meetings. Fifteen (15) members present at a meeting of the Union shall form a quorum provided, however, should there not be a quorum present at any duly called meeting of the Union within one-half hour of the time for which such meeting is called then such meeting shall automatically stand adjourned for one (1) month at the same place and time and at such adjournment the meeting shall proceed whether or not a quorum is present.

16. All meetings shall be called to order at 8:00 o'clock p.m., unless otherwise specified in the meeting call. The time and place of meetings may be changed at any regular meeting by two-thirds majority vote of those present. The order of business shall be as follows:

1. Opening.
 2. Roll call of officers.
 3. Reading minutes of previous meeting.
 4. Financial report.
 5. Proposals for membership.
 6. Initiation.
 7. Reports of officers, delegates, and committees.
 8. Unfinished business.
 9. New business.
 10. Nomination, election and installation of officers.
 11. Good and welfare of the Union.
 12. Adjournment.
17. No member whose fees or assessments are three months in arrears shall be entitled to vote at any meeting of the Union.

Section 4

RULES OF ORDER

18. A member at any meeting, desiring to speak, must rise to his or her feet and address themselves to the chair, giving their name.
19. When a question of order arises, the speaker shall immediately take his or her seat and the member raising the question of order shall state his point to the chair who shall make the final decision.
20. No member may speak more than twice on a question, except in explanation or reply.

21. After a mover of a substantive motion commences his reply, no other member shall speak on the question.

22. When the question has been put to the meeting, the only motion shall be to amend, to refer to a committee, or to table until a further meeting.

23. When a motion has been disposed of, it shall not be re-opened until a further meeting.

24. No member shall speak on any question more than five (5) minutes, except by a motion from the floor permitting extension of time.

25. Voting shall be by voice, namely "aye" and "nay". In the event the chair is in doubt, then a standing vote shall be taken, except in election or by majority wish of the floor when voting shall be by ballot.

26. When more than one is to be elected, members shall vote on number to be elected, and they shall be elected in order as to the majority of votes received.

27. All proceedings of the Union shall be governed by "Roberts Rules of Order" insofar as the same are applicable.

Section 5

EXECUTIVE MEMBERS AND TERMS OF OFFICE

28. An executive of twelve (12) members shall be elected for a term of three (3) years. In order to get continuity of

experience, one-third of the executive shall be elected at each annual meeting. In order to achieve this, it will be necessary during the first elections under these by-laws to so regulate the terms that there shall not be more than four executive members up for re-election at each succeeding annual meeting.

All ballots in all elections shall be in mimeographed ballot form.

29. The executive committee may appoint a business manager whose appointment shall be confirmed or rejected from year to year by the Union or as otherwise may be decided by the Union, and the duties of the business manager shall be such as may, from time to time, be delegated to him by the executive committee. The business manager shall not be a member of the Union but shall, unless excused, attend all general and executive meetings and may speak at such meetings, but not vote.

No member of the Union shall be eligible to be elected to the executive committee unless he shall have been a member of the Union in good standing for not less than one (1) year.

30 Any vacancy on the executive committee shall be filled by the Union at its next general meeting and a special meeting may be called for this purpose. Any election of the executive committee may function, notwithstanding any vacancy therein.

31. Election of officers of the executive committee shall be by a secret ballot and

shall be decided by a majority of votes cast and upon the election for any of the individual offices if there shall be more than two (2) nominated, the nominee with the lowest number of votes shall be dropped from the ballot and this procedure shall continue until one candidate shall have received a majority of the votes cast, and upon the election for the "additional offices" there shall be a ballot containing the names of all nominees and each individual voting shall be entitled to vote for eight and the eight receiving the highest number of votes shall be declared elected.

32. Members seeking office must file a nomination paper with the business manager endorsed by two (2) members in good standing not later than the meeting date set for nominations prior to the election, or may be nominated from the floor at the nominating meeting, and at the election of officers any nominees defeated for any office may be renominated at the election meeting for an office not then filled.

33. The Union may, in its discretion, by an extraordinary resolution, remove any officer before the expiration of his office and may by an extraordinary resolution appoint another person in his stead at any general meeting.

34. The executive committee shall, subject to and in compliance with the charter and by-law of the Union carry on the work and administer the affairs of the Union.

35. The executive committee shall have power to prescribe all forms of assessments, contracts, membership applications, or any other rules that may be required for the purposes of the Union.

36. The executive committee shall meet for the transaction of business at such times and at such places as may from time to time be determined by the executive committee.

37. Special meetings of the executive committee may be called at any time by the President, Vice-President and shall be called on demand of any five (5) members of the executive committee.

38. Notices of the time and place of the intention to hold any special meeting of the executive committee shall be mailed by the business manager to each member of the executive committee at least two (2) clear days before the holding of the meeting.

39. Five (5) members of the executive committee shall constitute a quorum for the transaction of business, provided, however, should there not be a quorum present at any duly called meeting of the executive committee within one-half hour of the time for which such meeting is called, then such meeting shall automatically be adjourned for one week at the same time and place of the general meeting, and at such adjournment the meeting shall proceed whether or not a quorum is present.

40. Membership and initiation fees shall be, and shall be payable, as from time to time prescribed by the executive committee.

41. The executive committee shall have power to apportion the funds of the Union as it deems fit.

42. Meetings of the executive committee shall be held without notice if all the officers are present when the meeting takes place, and agree that it shall be a meeting of the executive committee duly called.

43. Questions arising at any meeting shall be decided by a majority vote. In case of an equality of votes, the chairman shall have a second or casting vote.

44. A resolution assented to and adopted in writing under the hands of all officers shall be of the same force and effect as if it had been duly passed at a meeting of the executive committee.

Section 6

DISQUALIFICATION OF OFFICERS

45. The office of a member of the executive committee shall be vacated if the officer:

- (a) By notice in writing to the Union, resigns his office.
- (b) Is absent from three (3) consecutive meetings of the executive committee without explanation satisfactory to at least one-third of the executive committee.

- (c) Should he, in the opinion of the executive committee, expressed by a two-thirds vote, break the by-laws or regulations of the Union, provided, however, in such case such officer may within thirty (30) days of such suspension or cancellation demand in writing that the matter be referred to a general meeting and upon the filing of such demand at the office of the Union the next general meeting shall deal with the question and the notice calling the meeting shall set forth that the matter of such suspension or cancellation is to be brought before such meeting and the action of the executive committee shall require a two-thirds vote of the general meeting to be upheld.

Section 7

DUTIES OF OFFICERS

46. The President shall preside at all meetings of the Union at which he is present and generally have control of the affairs of the Union.

47. The Vice-President shall exercise all the powers and rights of the President during his absence or inability to act for any cause whatever, or when delegated to do so by the President.

Section 8

COMMITTEES

48. The President of the Union may appoint the Chairman of such standing committees as he shall decide upon and, sub-

ject to the ratification of the executive committee, may appoint the committees and similarly may in his discretion revoke any such appointments and reappoint as he sees fit.

49. The Chairman of the committee shall act in an advisory capacity to the executive committee. Their duties are, when called upon, to assist and advise with the executive committee in the conduct of the affairs of the Union and shall attend meetings of the executive committee at the request of the business manager.

50. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice and to have been effected on the day following the date of posting.

Section 9

MISCELLANEOUS RULES

51. The Seal of the Union shall be in the custody of the business manager and all writing and documents required to be sealed on behalf of the Union shall be so sealed in the presence of such officers as may be set forth in the resolution of the executive committee authorizing the sealing and in the absence of the specifying of such officers in such resolution, be in the presence of any two of the President, Vice-President and Treasurer.

52. The Union shall have the power in general meetings to make extraordinary levies for purposes authorized by the meeting in keeping with the legitimate objects

of the Union and subject to the "International Constitution". Such levies if not in excess of \$10.00 shall be payable forthwith, but if they are in excess of \$10.00, they shall be paid by the members within a period of three (3) months after notice of such levies has been given to such members by a prepaid registered mail.

53. All payment to be made by the Union must be made by cheque under the signature of any two (2) of the three following officers: President, Vice - President, Treasurer.

54. Any and all books and records of the Union shall be open for inspection by any member at the address of the Union on the day of any general meeting during business hours up to the hour of 2:30 p.m., and at such other times in addition thereto as may be decided by the executive committee.

55. The elected officers shall not be entitled to receive any remuneration for their services as officers but where an officer shall be put to an expense on or about the business of the Association, he shall be entitled to reimbursement therefor by the Union.

56. The borrowing powers of the Union shall be exercised by authority of a resolution in general meeting.

57. At least once quarterly, the accounts of the Union shall be examined by three Trustees, to be elected at a general meeting of the Union, or failing that, appointed by the executive committee, and they

shall attest to the correctness of the balance sheet.

58. The by-laws shall not be altered or added to except by an extraordinary resolution of the Union as determined by the "International Constitution".

59. Extraordinary resolutions shall require a two-thirds majority vote.

60. **Shop Stewards** shall be compulsory for all jobs involving five (5) trucks or more, and these shall be designated by the business manager.

61. All trucks are to display Union stickers. These stickers will be the property of the Union, and are to be displayed only by members in good standing.

62. All members, when taking on drivers should give preference to Union members. If Union members are unavailable, the drivers hired must become Union members within a period of thirty (30) days.

63. **Standing Committees.** The chairmen of the following committees shall be appointed by the President:

Seniority.

Resolutions.

Legislative.

Social and Welfare.

Section 10

CHARGES AND PUNISHMENT

64. If any member is charged with violating the by-laws, rules or regulations of the Union, or otherwise guilty of misconduct, the charge must be made in writing to the business manager and be signed by the complainant or complainants. Upon receipt of such a complaint, the executive will carry out an investigation of the charge. The member charged shall, within ten (10) days, be notified by registered letter to be present while the evidence is being presented, and shall be entitled to cross-examine and present evidence on his own behalf.

Section 11

DISSOLUTION

65. Subject to the "International Constitution", so long as there are ten (10) members in the Union, no resolution shall be proposed to surrender the charter or to wind up the Union.

66. Upon dissolution of the Union, the property of the Union shall be converted into cash and added to the funds of the Union and the amount thereof distributed firstly in payment of all outstanding debts and liabilities of the Union and the balance to be distributed pro rata to members of the Union in good standing.

